

CLAIMS MISS MARSHALL

IS LEGAL NONRESIDENT

Attorney for Kernochan Gives Statement in Regard to Marie Marshall Taxes.

ALLS AFFIDAVIT A "MISTAKE"

Trustee of Insane Woman Claimed in New York She Was Resident of Virginia, and in Virginia That She Was Resident of New York.

The attitude of the representatives of the Marie Marshall estate in the pending controversy over the claims made by the Commonwealth of Virginia and the city of Williamsburg for taxes amounting to \$900.00 alleged to be due is explained by Norrell L. Henley, senior member of the law firm of Henley, Anderson & Hall, with offices in Richmond and Williamsburg, in a statement issued yesterday.

Mr. Henley says:

"My firm was retained by Mr. Kernochan several weeks ago, and I have been selected as the date upon which a bill would be presented to the District Court of the United States for the Eastern District of Virginia, asking for an injunction to restrain the Commonwealth of Virginia, as well as the city of Williamsburg, and their officers, from undertaking to enforce the collection of State and city taxes alleged to be illegally and improperly assessed against the estate of Marie Marshall. At the request of the Commonwealth's attorney for the city of Williamsburg, and county of James City, who was also one of counsel representing the city, aside from his duties as Commonwealth's attorney, submission of the bill to the court at that time was deferred.

PROCESS SERVED ON KERNOCHAN IN WILLIAMSBURG

"A few days ago our client, Mr. Kernochan, came from his home in New York on a visit to the city of Williamsburg, for the purpose of taking after the care and comfort of Miss Marie Marshall, and much to our surprise, while so visiting in said city, process was served on him in a suit brought by the Commonwealth.

"Notwithstanding the suit, a bill has already been prepared and notice has been given counsel for the State of Virginia and the city of Williamsburg, and their officers charged with the duty of imposing and collecting taxes, that the bill would be presented to the District Court of the United States for the Eastern District of Virginia, at Richmond, on Wednesday, December 22. The contention will be made that the Federal Court has jurisdiction to hear and determine the matter in controversy, by reason of the fact that Mr. Kernochan is a nonresident of the State of Virginia; that the collection of the taxes assessed against him as trustee of Marie Marshall is repugnant to and in violation of the Constitution of the United States; that he sits for the purpose of taxation of intangible personal property belonging to an insane person in the residence of his wife and mother, and that Miss Marshall is now, and has always been, a resident of the city of New York, and State of New York.

FACTS AS TO RESIDENCE OF MISS MARSHALL

"The facts in connection with the residence of Miss Marshall, as will be understood, and as alleged in the bill, are these:

"That Miss Marie Marshall was born in the city of New Orleans, La., near 1850, and at about six years thereafter her father, Joseph R. Marshall, and her mother, Evelyn G. Marshall, moved to the city of New York, taking with them their daughter, where she continuously resided with her parents until on or about March 8, 1872, when she was admitted, as a pay patient, in the Eastern State Hospital, then known as the Eastern Lunatic Asylum, located at Williamsburg, under the provisions of the statute law of the State of Virginia. In the year 1872, which shall contain authorized the board of directors of the said asylum to receive patients into the asylum, whether residents of the State of Virginia or not, under certain conditions prescribed by said statute. Miss Marshall has continuously remained a pay patient in said hospital since her admission at that time. At the time of admission she was only twenty-two years of age, and had been suffering from a mental breakdown for several years prior thereto.

KERNOCHAN AFFIDAVIT WAS A "MISTAKE"

"In making this contention we are not unmindful of the affidavit alleged to have been made by our client, to the effect that Miss Marshall was a resident of the State of Virginia. We do not think that the affidavit will bear the construction placed upon it by the attorneys representing the Commonwealth of Virginia, and the city of Williamsburg, nor is it entitled to the publicity given it, but even if it does it was a conclusion of law rather than a question of fact. At that time Mr. Kernochan had not investigated the law bearing upon the question, and only recently had he had his attorney file so. Mr. Kernochan's mistake was quite a natural one, and is, in our opinion, the same under which the attorneys, now representing the Commonwealth of Virginia and the city of Williamsburg, are at present laboring.

"The papers have from time to time stated that the city of Petersburg might be entitled to taxes from the estate of Miss Marshall, and we have heard various expressions to the effect that Petersburg, and not Williamsburg, should collect the taxes. The only possible basis upon which Petersburg has any claim is due to the fact that for a short time prior to her admission to the hospital, Miss Marshall was visiting her relatives in Petersburg. The occasion of her presence in Petersburg was that she was traveling with her father and mother, and was left there as a matter of temporary convenience.

NO INTENTION TO DODGE TAXES

"Much has been said about tax dodging in connection with this matter, and in our opinion, any such talk is absolutely unfounded, and we do not feel that we are alone in saying so. The State of Virginia and city of Williamsburg have no just claim to taxes now sought to be recovered in view of Miss Marshall's nonresidence. No part of the property has ever been in Virginia, nor was any of it left to her through Virginia sources. She has paid the sum of \$1,300 a year to the State of Virginia for the same attention given to other patients, at an annual cost of \$125.00 per capita, to the State of Virginia. As a matter of fact, therefore, her funds are really supporting for the State about fifteen of the State's unfortunate. The statement has also been made that taxes should be paid by her on account of the police protection, etc., afforded her, as living in the city of Williamsburg. As a matter of fact her estate pays nearly \$600 taxes on real estate situated in the city of Williamsburg.

"We dislike the giving out of any statement, nor have we any desire to argue our case in the newspapers, but as much has been published, setting forth claims made by the State, and the facts have been so garbled, we wish the real facts to be published in justice to Mr. Kernochan. We wish to deny emphatically, however, on behalf of Mr. Kernochan and the Marshall estate, that there has been any effort to dodge just taxes. The question presented is purely a legal one, depending upon the residence of the committee, and the termination of that question, no intention of evading taxes should be imputed to our client."

DETAILS COMPLETED

FOR CHRISTMAS MAIL

Post-Office and Express Companies Anticipate Unusual Demand on Facilities.

WORKING FORCES INCREASED

Railroads Add Extra Cars to Take Care of Heavy Traffic Incident to Holiday Season—Public Warned Against Delaying Shipments.

Arrangements have practically been completed for handling the vast amount of mail, express and freight matter in Richmond incident to the Christmas season, by the Post-Office Department, express companies and local railroads.

Provisions have been made for handling a greater amount of this matter than last year. The traffic has increased about 25 per cent already, it was stated yesterday, and a still greater increase is expected this week.

Postmaster Hay T. Thornton has perfected arrangements for handling the mail matter in and out of the city, and seventy-five additional men have already been added to the local force. A part of these will be temporary carriers, while the majority will work in the main office and the sub stations. The department has found it necessary to rent outside quarters to care for the parcel post matter, and the four-story brick building at 1113 East Cary Street has been secured.

PARCEL POST DELIVERIES FROM SUBSTATION

All four floors of this building are being used, while a large force of clerks has been detailed to this division. The parcel post deliveries will be made from this substation. To deliver the parcel matter and to make the collections in the city twenty-five extra wagons have been placed in operation. Additional wagons and more men will probably be used for several days during the latter part of the week when traffic is heaviest.

Warnings were issued by Postmaster Thornton yesterday that all parcel post packages should be securely wrapped and tied, for no recovery in event of loss or damage can be made unless the parcel is insured. Tinsel post-cards containing mica, tinsel or similar matter, will not be accepted by the postal authorities in the mails unless enclosed in envelope, which must bear two-cent postage.

The Southern Express Company has 100 additional men at work with twenty-five extra wagons, and this number will be increased later this week. The express traffic yesterday was about 24 per cent heavier than at this time last year, and it was stated at the local offices that further increase in express matter was expected.

PUBLIC IS URGED TO AVOID DELAYS

The public is urged to start all Christmas matter from Richmond as soon as possible, and not to wait until the last minute, for the doing so will cause a great congestion in the local offices, and a large part of the matter will be delayed. All packages should be plainly addressed with the names of the senders in a prominent place. The street address of the person to whom the package is sent should be given in every instance to prevent delay in delivery.

Outgoing express is being well handled, it was stated, all railroads placing one or two additional cars on every train as needed. In addition, if traffic becomes heavier than expected the railroads have arranged to provide as many extra cars as needed, and these have been stationed in the local yards.

Several of the local roads have arranged for through express cars between Richmond and the North and South. Little is known as to how incoming matter for Richmond will be handled, except the statement that the service would be of the highest order.

SEEKS TO EVADE PAYMENT OF DR. BROOKER'S BOND

Counsel for Mrs. Brooker Will Claim Absconding Physician Was Dead When Case Was Called.

The Brooker case will be revived tomorrow morning, when Attorney William M. Justis, Jr., and D. C. O'Flaherty, counsel for Mrs. Boyce D. Brooker, who went on the bail bond of the absconding physician, will make an effort to have the case released from payment of the bond on the inference that Dr. Brooker was dead on the date set for his second trial. Testimony to support this theory, it is said, will be introduced by Mrs. Brooker's counsel. The hearing

Suits and Overcoats, Worth Up to \$22.50 At \$15.00 Each

A sale of seasonable clothing in time for your Christmas shopping for individual wants and gift purposes.

Boys' Suits and Overcoats at \$5.00, Worth \$7.50 and \$8.50

GANS-RADY COMPANY

will be before Judge Edmund Waddill, Jr., of the United States District Court. At the request of Detective Sergeants Willy and Kellam, Police Justice John J. Crutcherfield yesterday dismissed the case of John Robinson, colored, charged with trafficking in cocaine. The detectives believed that the evidence in their possession was not sufficient for Robinson's conviction. He was one of the principal witnesses against Dr. Brooker at his first trial.

Hermann Schmidt, Est. 1865



For Your Xmas Feast!

Come To-morrow Morning The Best Time--and Schmidt's the Best Place for Your Christmas Shopping

The wise provider makes all holiday selections before the rush. It is one of the contributing reasons why those selections are always good and generally pleasing. You can be just as satisfied by exercising the precaution and not waiting until the last day. We are always ready to serve you, giving our best attention, and are anxious to give you the best.

Fruit Cake

Is an article everybody wants for the holidays. We have the real home-made, compounded of the very best obtainable ingredients, by an expert, the flavor and quality of which is evidence of both the care and ingredients.

Our Home-Made, in various sizes, sold at 40c per lb.

Rich's New England Cake, at

1 pound at 35c
2 pound at 65c
5 pound at \$1.50

Plum Pudding

Of the very best make, in one, two, three and four-pound sizes, at 25c lb.

The Home-Made, in various sizes, at 40c lb.

Mince Meat

The pink of perfection, made of the finest ingredients, under the most scrupulous supervision. Delicious!

25c lb.; 60c jar.

Colonel Rich's, made after a regular Puritan recipe, in bulk, sells at 15c lb. or in jars at 30c.

Eggnog Mixture

We get most favorable reports from those who have used this preparation, consisting of the liquors blended in the proper proportions. One of our customers said she never realized how easy it was to make a fine Egg Nog, and one that never failed, until she used our Egg Nog mixture.

You can enjoy this same pleasure. Get one of our recipes for the asking and a bottle of the mixture at \$1.25 qt.

Brandied Fruits

In various size jars. Home-made, packed in the best Virginia apple brandy, of Virginia grown peaches.

Quarts, \$1.25; half-gallon, \$2.25.

Then we have Pears, Cherries, Pineapple, Figs, Maroons, in pint jars, at 90c.

Assorted Fruits, in large jars, at \$1.50.

Mayonnaise Dressing

Our chef, Napoleon, is a perfect wizard in all his preparations. He knows how to develop that fine, delicate flavor that means so much, especially in Mayonnaise. It is impossible to make anything better. Try a jar at 25c.

Cheese

Is an item that most everybody wants, especially on the table Xmas. It aids digestion, and is always welcomed by those who enjoy a good appetite.

We have the best makes of—

Pineapple Cheese, 45c, 65c, \$1.50
Camembert Cheese 35c
Roquefort Cheese 70c

Then, of course, we carry the many soft Cheeses:

Chili
Welsh Rarebit
Philadelphia Cream
Tasty
Pimento

They are shipped direct several times a week.

Smithfield Hams

Anticipating the enormous demand for Cooked Smithfield Hams at this season, we have on hand a large stock of Cooked Smithfield Hams ready to put the tag on to ship to any address.

We have provided especially attractive holiday packages to put our Hams in this year, all carefully wrapped in holiday paper—just the style you want to send a present in.

They average from 8 to 15 pounds, and can be had at a moment's notice; but don't put it off, because we may sell out.

Candies

Among our large stock of confections are several attractive, inexpensive packages. One is a 5-pound box of Assorted Chocolates at \$1.00. Then we have several other packages. Maraschino Cherries, 20c.

Conserve Fruit

The best imported assorted Conserve Fruit, in 5-pound boxes, sold at \$1.90.

Pineapple, in 6-lb. boxes, at \$1.90.

Crystallized Ginger, in various sizes, at 13c, 25c, 50c.

Nuts

In this department you will find a complete stock of the best selected Nuts the market offers. The largest variety of those whose kernel represent the best flavor and the largest size.

Our Assorted Nuts are mixed from the same stock in proper proportions.

Walnuts, Budded 30c lb.
Walnuts, Jumbo 25c lb.
Walnuts, Imported 20c lb.
Paper Shell Almonds 25c lb.
Almonds, regular 20c lb.
Pecans, paper shell, 75c, 50c, 40c, 25c lb.
Palm Nuts 25c lb.
Filberts 20c lb.

Salted Nuts

Prepared freshly daily.

Almonds, Walnuts, Pecans, Filberts, Pignollas, 80c lb.

The same in small jars at 25c.

Straight or assorted.

Gift Suggestions Hermann Schmidt's Xmas List

Xmas. Greetings are most acceptable sent in one of the Schmidt Gift Suggestions. Seasonable cards attached.

- Home-Made Fruit Cake, per lb. 40c
- Box Glace Fruit \$1.90
- Brandy Peaches, qt. jar \$1.25
- Brandy Figs, Pears, Cherries, Maroons 90c
- Box Albemarle Pippin Apples, fancy \$2.90
- Box Albemarle Winesap Apples, fancy \$2.90
- Box Albemarle Lowry Apples, fancy \$2.90
- Box Oregon Delicious Apples \$4.00
- Box Oregon Steman Apples \$4.00
- Box Oregon Reds Apples \$4.00
- Box Florida Oranges
- Box Florida Grape Fruit
- Fancy Basket Pine Fruit, \$1.50 up
- Barrel Malaga Grapes \$8.50
- Smithfield Ham, cooked and wrapped in holly paper
- Fancy holiday carton containing four bottles of Bumgardner Whiskey, or one Rye, one Scotch, one Mountain and one Dry Gin \$5.00
- Box Cigars \$1.00 up
- Case of Claret, Sauterne, Sherry, Madeira, Sparkling Mosele, Burgundy, Vintage Champagne; per case \$7.00 up
- Bottle Oldrosia Sherry, 40 years in wood \$2.00
- Bottle Equator Madeira, 4 times across the Equator \$2.00
- Bottle Cognac, 30 years in wood \$3.50
- Bottle Thompson Rye, 20 years in wood \$2.50

Parcel Post

The inexpensive way to send small packages. It reaches every point a letter will go. It is a comfort every one should enjoy who is in a position to use this service. But anticipate the delays due to congestion at this season.

In our list you will find a large number of items, each one of which represents the selection of our stock. Make up your list now, let us have it, with instruction that it be sent at any future time you may designate. Shipments for out-of-town will require some additional time for transportation.

Go over this list and make your selections, or cut it out and keep it with your live memoranda. Stop in the next time you are in our neighborhood and give the order; or, if that is not convenient, phone or mail it.

Telephone Randolph 101-106

HERMANN SCHMIDT

504-508 East Broad St.

NINE out of ten men who come finally to Goodyear Tires find them so satisfactory that they go right on using them.

That is why Goodyear sales to the consumer, and to the motor car manufacturer, are greater than those of any other tire.

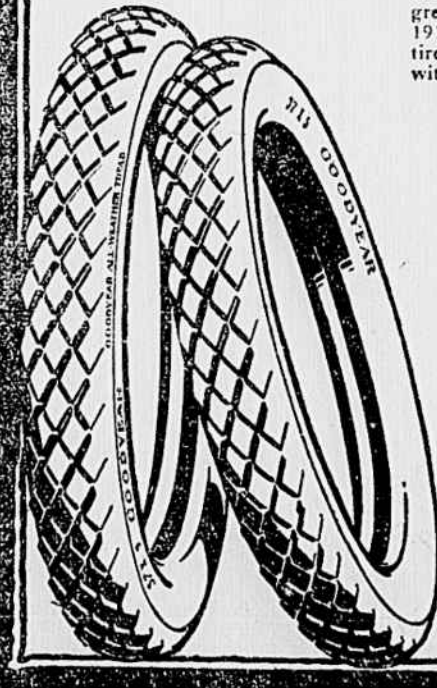
GOODYEAR TIRE

NOTICE

European war demands in the world's supply of materials used in the manufacture of White Tread Tires.

The color of Goodyear Tires may ultimately be changed from White to Black.

Our supply of the required materials assures the greater portion of our 1916 season's output of tires being furnished with White Treads.



SECURITY SERVICE SAVINGS
"IT PROVES ITSELF!"
American National Bank
CAPITAL ONE MILLION — RICHMOND, VA.